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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Bruce Hargrave, vice president of development for the United Methodist Theological Seminary, Moscow, Russia.

The guest Chaplain offered the following prayer:

Let us pray.

O God, You are the eternal sovereign of all the world and yet personal. Help our Senators to be aware of Your presence and strength. Touch them with Your Spirit and grant each of them divine wisdom.

Our country and world are beset with problems and crises and war. We acknowledge that we are not smart enough, wise enough, or even courageous enough to meet these daily challenges. We need Your direction and grace. Bestow these on each of us bountifully and abundantly.

We now yield ourselves to Your will in order that we as individuals and as a body may fulfill Your plan for each of us, our Nation, and our world.

We pray all of this in the name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CARTE P. GOODWIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 16, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARTE P. GOODWIN, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. GOODWIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the small business jobs bill. Under an agreement we reached yesterday, Senator GRASSLEY and Senator HATCH will offer their respective motions to suspend the rules. Senators BAUCUS, GRASSLEY, and HATCH will control 15 minutes each, for a total of 45 minutes. At 10:45 a.m., we will vote on those motions to suspend in the order in which they are offered. Following the votes, the time until 12 noon will be equally divided and controlled between the two leaders or their designees. At noon, the Senate will proceed to vote on the motion to invoke cloture on H.R. 5297, the small business jobs bill, as amended. If cloture is invoked, all postcloture debate time will be yielded back and we will proceed to vote on passage of the bill.

The next item for business will be the Department of Defense authorization bill. I wish to reach an agreement to proceed to the measure. It appears that will be unlikely and, therefore, I may need to file cloture to attempt to end debate on the motion so we can begin the amendment process.

MEASURES PLACED ON THE CALENDAR—S. 3790 AND S. 3791

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The bill clerk read as follows:

A bill (S. 3790) to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

A bill (S. 3791) to require Members of Congress to disclose delinquent tax liability, require an ethics inquiry, and garnish the wages of a Member with Federal tax liability.

Mr. REID. Mr. President, I object to any further proceedings on these two matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

FOOD SAFETY

Mr. REID. Mr. President, we have worked for this entire Congress on food safety. I have had a number of people from Nevada—about a dozen people—who have talked about their foodborne illnesses, children whose growth is stunted their entire life. One young woman spent 11 months in the hospital as a result of eating tainted spinach. All over America this is happening.

We have food safety laws that are inadequate and causing people to get sick because the food is not checked closely enough. Senators DURBIN, HARKIN, chairman of the committee, and ENZI have worked hard to get something done. I have talked with Senator MCCONNELL. He thinks something should be done. We thought we finally had it worked out. We could take care of this, but Senator COBURN has said no. He wants it paid for a different way. We spent a whole Congress on this legislation. Of course, at the last minute, he comes in, and likely we are

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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not going to be able to get this done before we go home for the elections.

What a sad thing for our country. People are dying as a result of these problems with food. It is a shame we cannot get this done. We have almost 400 matters that have passed the House of Representatives, and we cannot deal with them here because the Republicans say no. That is not the way to do business. In years past, these things would have gone through very easily.

We should be concerned about something as important as this issue, and the focus should be—and deserves to be—on the person who is holding up this legislation. It is too bad. There are all kinds of excuses, but excuses do not do the trick. People have come to see me who have been deathly ill. All that could have been avoided. The legislation would do that. It is bipartisan in nature. It should be completed.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SMALL BUSINESS LENDING FUND ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5297, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus/Landrieu) amendment No. 4594, in the nature of a substitute.

Reid (for Nelson (FL)) modified amendment No. 4595 (to amendment No. 4594), to exempt certain amounts subject to other information reporting from the information reporting provisions of the Patient Protection and Affordable Care Act.

Reid (for Johanns) modified amendment No. 4596 (to amendment No. 4595), to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations.

Reid amendment No. 4597 (to the language proposed to be stricken by amendment No. 4594), to change the enactment date.

Reid amendment No. 4598 (to amendment No. 4597), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, Theodore Roosevelt once said:

Far and away the best prize that life offers is the chance to work hard at work worth doing.

Americans prize hard work. We value a day's pay earned at honest labor, and that is one reason the great recession that started in 2008 has been particularly hard on Americans. The great recession robbed 8 million Americans of one of the best prizes that life offers—their work.

That is why for 2 years now we have been working hard to create jobs. We worked to create jobs by passing the Recovery Act at the beginning of last year. The nonpartisan Congressional Budget Office says that the Recovery Act “increased the number of full-time equivalent jobs by 2 million to 4.8 million compared with what would have occurred.”

We worked to create jobs by passing the HIRE Act in March of this year. The Treasury Department found “an estimated 4.5 million workers who have been unemployed for 8 weeks or longer were hired by employers who are eligible for the HIRE Act payroll tax exemption.”

We have been working to create jobs with this small business bill before us. We have been working to pass this bill since June. That is right, since June. Here it is September. Finally we are going to get this bill passed—I hope.

The economists tell us that this small business jobs bill could help small businesses create as many as half a million new jobs.

This small business jobs bill would provide small businesses with access to capital. It would create incentives for investment. It would support innovation and entrepreneurship. This small business jobs bill would give small businesses \$12 billion in tax cuts. It would increase small business lending. It would help small business owners get private capital to finance expansion and hire new workers. It would reward entrepreneurs for investing in new small businesses. It would help Main Street businesses compete with big companies. All these things would help small businesses to create as many as half a million more jobs.

The Joint Committee on Taxation has prepared a technical explanation of the bill which expresses the Finance Committee's legislative intent behind the tax provisions. It is available on the Joint Committee's Web site.

This small business jobs bill has been hard work. For something this common sense, it has been harder work than we thought it would be. Some folks on the other side of the aisle have thrown obstacles in the way. Some have thrown in our way pretty much everything but the kitchen sink. Today they are throwing the kitchen sink in our way as well.

Today, before we can vote on this targeted small business jobs bill, some on the other side have resorted to the last refuge of delay. They are proposing motions to suspend the rules of the Senate. They are throwing two more votes in the way.

But in case anyone is taking these last-minute antics at face value, let me set the record straight. These motions to suspend the rules are not serious legislating. These motions are not the way the Senate enacts law. We do not enact law by suspending the rules.

Rather, these motions are the way that folks score points. These motions are the way folks try to embarrass

other people. These motions, quite frankly, are stunts.

If you take them at face value, these motions address two tax provisions that expired at the end of last year. They are two examples of what folks around here call tax extenders.

Here is the irony: We have been trying to extend these and other expiring tax provisions for months. Yes, literally for months. We took up the extenders bill in March, and we have been trying again and again to pass a package of all the expiring provisions pretty much all year since then.

To make it entirely clear, I will try again today. Before the vote on the motions to suspend the rules, I will ask unanimous consent to take up and pass the full set of expiring provisions. In a few minutes, I will ask unanimous consent to take up and pass a paid-for, responsible set of expiring provisions. One way or another, Congress will address these expiring provisions. We always do. We will do so again this year.

But no one should be misled. These motions to suspend the rules today are not serious legislating. They are merely two more in a series of delays thrown up in front of this bill. We should reject these delaying tactics. We should get on with passing this bill to create small business jobs.

Creating jobs is what people sent us here to do, and now is the time to do it.

Thanks to Tuesday's vote, we are finally bringing this debate to a close. It is certainly time. It is time to get this work done. It is time to help small businesses. It is time to help create up to half a million new jobs. This bill has been hard work, but this bill is worth doing. So let's bring this debate to a close. Let's reject the transparent efforts to delay some have thrown in the way, and let's target this targeted tax relief to small businesses today.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, sometime today the majority leader will file cloture on the motion to proceed to the Defense authorization bill, setting up a vote for next week on this important legislation. Under ordinary circumstances, this would be a straightforward, noncontroversial vote that could unite the two parties on a matter related to our common defense. But not this year.

This year, Democrats would rather use this bill to manufacture controversy. Worse still, in their determination to meet their own campaign promises ahead of the upcoming election, Democrats have decided to put their own political interests ahead of